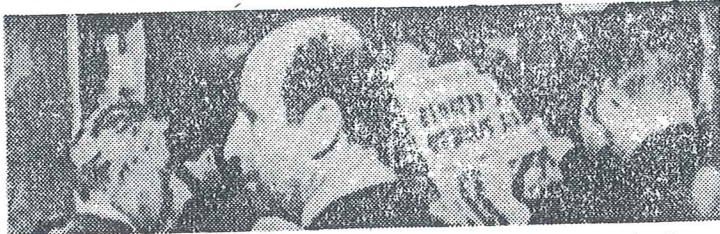


THE KENNEDY ASSASSINATION



Jack Ruby in Dallas Police H Q on the night of Kennedy's death. His presence has inflamed allegations of police complicity

Can Ruby tell?

BY ITS decision to reverse Jack Ruby's conviction for the murder of Lee Oswald the Texas Court of Criminal Appeal has given legal impetus to the passionate literary debate over "who killed Kennedy?" By November Ruby could be free on bail awaiting retrial. But the ultimate fate of the most public murderer in history is overshadowed by the prospect of what he may reveal when tried a second time—outside Dallas.

To Ruby this seemed vitally important during the Warren Commission hearings. "I want to tell the truth but I can't tell it here," he told Chief Justice Warren during his 3½ hour testimony in Dallas. "If you don't have the power to take me back (to Washington) I won't be around to prove my innocence or guilt."

The reason for this outburst of what seems like paranoia could emerge in the second trial. Even more important, however, are the answers to two vital questions which were inexplicably ignored by the Commission in the course of a surprisingly velvet-gloved examination.

The two missing strands are: (1) How did Ruby get into the courthouse basement? (2) Were his relations with the Dallas police corrupt?

A Washington Post survey last week showed that doubts arising from these questions and many others relating to the twin assassinations are no longer restricted to radical critics and recidivist devotees of the conspiracy view of history. Most Americans now believe that the full story has never been told; a three-to-two margin actually reject the main

lines of the Commission report.

At 11.17 on Sunday, November 24 Ruby, the garrulous night-club owner, sent a time-stamped money order to one of his girl employees. Approximately four minutes later he shot Oswald in the abdomen. It would have taken almost exactly 90 seconds for him to walk to the basement where he fired the shot from the telegram office, travelling by the most direct route, and descending the Main Street car ramp. Ruby, therefore, could not possibly have arrived in the basement more than two/three minutes before the shooting.

Man with a gun

But the precise timing of his arrival is the most curious factor in the case. Oswald's transfer, according to press announcements, should have taken place 80 minutes earlier, at approximately 10 a.m. Despite an eleventh hour change of plan, Ruby was able to arrive—certainly within two minutes, and possibly within seconds—of Oswald's appearance.

There were between 70 and 75 policemen in the basement, some of whom knew Ruby, plus 40 to 50 reporters and cameramen. Ruby had no false press credentials and he was the only unauthorised person present.

INSIGHT in Who killed Kennedy?

Security checks on the entrances had been rigorous. Except, of course, on the one he used.

This was guarded by Patrolman Roy E. Vaughn who assured the Commission that "Jack," as he called him, did not pass that way. Yet a former policeman, N. J. Daniels, who was standing talking to Vaughn, testified that a man whom he thought was carrying a gun walked right past Vaughn, who was standing in the middle of the entrance, without being challenged at all.

Vaughn knew Ruby as "Jack" and so, it seemed, did a large proportion of the 1,175 men on the Dallas force. A former barmaid at Ruby's Carousel Club testified that she actually got her job there through the police, and that standard Carousel practice was to serve them free drinks. Although she is one of many witnesses who testified to the same effect, the Report concludes that he served only soft drinks to policemen.

Murder with malice

Again, Ruby had eight charges filed against him in 10 years, varying from liquor law violations to carrying a concealed weapon, assault, and various night-club law violations. He was never convicted: most of the charges were not even processed.

Although the Commission eccentrically decided there was "no credible evidence" that Ruby's relations with the Dallas police were corrupt, they were clearly extremely intimate.

The Texas Appeal Court quashed Ruby's original conviction because they decided the oral confession of premeditation (allegedly made to a policeman) should not have been admitted. They also took the view, like Ruby, that the trial should never have taken place in Dallas.

Ruby, of course, was found guilty of "murder with malice," meaning premeditated murder. The prosecution are trying to get the re-trial decision reversed, but have little hope. They have already announced that at a new trial they would again press for a "murder with malice" verdict (carrying the death sentence).

No lawyer would envy Dallas County District Attorney Henry Wade his task. For the burden of establishing malice aforethought (with Ruby's alleged oral confession to that effect inadmissible) leads Wade irresistably to the question of police complicity. Even in Dallas County, not Dallas itself, a

prosecution case claiming that Ruby arrived at the vital spot, within seconds of precisely the right time, by no more than a lucky chance is going to look a bit thin.

A re-trial may find Ruby shocking the world with fresh revelations. Paradoxically, so may Henry Wade. For to convict Ruby, he may have to convict his own police force as well.

the Magazine:

The crucial evidence
